

APPEAL PROCESS OF NURSING HOME COMPLAINT INVESTIGATIONS

A complainant who is dissatisfied with the determination or investigation by the Bureau of Health Systems may request a hearing. The request for hearing **must be submitted within 30 days** after the mailing of the Bureau's investigative findings. The Department's Administrative Tribunal will send notice of the time and place of hearing to the complainant and the nursing home.

A complainant may be represented by an attorney, but attorney representation is not required. The complainant has the burden of proof during the hearing and must be prepared to show by presentation of evidence or testimony of witnesses that:

- the Bureau's investigation was incomplete, and
- the Bureau failed to consider relevant and substantive information, and
- a reinvestigation would uncover new evidence that might lead to findings different from those of the initial investigation.

The findings of the investigation are not subject to review. If the hearing determines the investigation was inadequate and the Director of the Department agrees, a reinvestigation will be conducted. The hearing officer does not evaluate the Bureau of Health System's decision to cite (or not cite) violations of specific laws and cannot issue citations or fines. See for reference MCL 333.21799c(9) and MCL 333.20176(2).

Hearings are conducted under the Michigan Administrative Procedures Act, MCL 24.271 *et seq.* The complainant and nursing home are parties and both may present evidence and examine witnesses. Bureau staff may attend to answer questions regarding the investigation.